IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIFTEENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 8618 of 2004

Between:

Quarry Labour Society, Adavivaram, Visakhapatnam rep. by its President Sri K. Rama Raju,
S/o Venkata Narasimha Raju, aged 60 years, R/o 39-9-34, Muralinagar, Visakhapatnam.

..... PETITIONER

AND

1 The Executive Officer, Sri Varaha Lakshmi Narasimha Swamy Vari Devasthanam,
Simhachalam, Visakhapatnam District.
2 The Joint Collector, Visakhapatnam District, Visakhapatnam.
3 The Government of Andhra Pradesh, rep. by its Principal Secretary, Revenue (Endowments-IV),
Department, Secretariat, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate Writ, order or direction, directing the respondents to regularize the allotment of 6800 Sq. yards of land in Sy.No. 318, Kallukonda area, Adivivaram Village, Chinna Gadili Mandal, Visakhaptnam District in terms of G.O.Ms.No. 578, Revenue (Endts.IV) Department dated 19-8-2000 in favour of the Petitioner's Society.

Counsel for the Petitioner: MR.R.M.REDDY

Counsel for the Respondent No.1: MR.M.ADINRAYANA RAJU

Counsel for the Respondent Nos.2 and 3: GP FOR ENDOWMENTS

The Court made the following:

HONOURABEL SRI JUSTICE V.ESWARAIAH

WRIT PETITION No. 8618 of 2004

ORDER:

The petitioner-Society seeks to issue a writ of mandamus, directing the respondents to regularize the allotment of 6800 square yards of land in Survey No.318, Kallukonda area, Adivivaram village, Chinna Gadili Mandal, Visakhapatnam District, in terms of G.O.Ms.No.578, Revenue (Endts.IV) Department dated 19-08-2000.

2 . The learned Government Pleader for Endowments, appearing on behalf of the respondents, submits that the said G.O.Ms.No.578, dated 19-08-2000, has been superseded by the G.O.Ms.No.253, dated 03-03-2005. He also placed reliance of G.O.Ms.No.253, dated 03-03-2005, wherein at para-8, it is stated that the G.Os. 1st to 4th and 6th (including the G.O.Ms.No.578, dated 19-08-2000) are superseded.

3. In view of the change in the guidelines, the petitioner is not entitled to claim regularization of the said encroached land since the G.O. based on which the petitioner seeks relief, is no more in force. Hence, the writ petition is liable to be dismissed.

4. Accordingly, the writ petition is dismissed. No costs.

_____

April 15, 2005

KVR

To

1 The Executive Officer, Sri Varaha Lakshmi Narasimha Swamy Vari Devasthanam,
Simhachalam, Visakhapatnam District.
2 The Joint Collector, Visakhapatnam District, Visakhapatnam.

3 The Principal Secretary, Revenue (Endowments-IV), Department, Government of Andhra Pradesh,
Secretariat, Hyderabad.

4 Two C.Cs to the GP for Endowments, High Court of AP Buildings, High Court of AP, Hyderabad (O.U.T.)

5 Two C.D. Copies